

Report From Agency

REPORT TO LEGISLATURE

NR 10 to 12, 15 and 19 Wis. Adm. Code
Relating to hunting, trapping, refuges and closed areas, and wildlife nuisance control.

Board Order No. WM-03-17
Clearinghouse Rule No. 17-013

Basis and Purpose of the Proposed Rule

Annually, the department submits rule change proposals relating to hunting, trapping and wildlife management. The statewide April Spring Fish and Wildlife hearings are the traditional vehicle for citizen input. The origins of these rule change proposals are primarily from department staff specialists in the relevant bureaus and Conservation Congress advisory questions from prior years. Initiating the process to promulgate rules recommended by the Conservation Congress fulfills a role of the board and the congress established in s 15.348 Stats.

Specifically, individual sections of this rule proposal will:

1. Establish that the pheasant, Hungarian partridge, and fall turkey seasons will be open through the New Year's Holiday weekend instead of closing on December 31, consistent with the archery deer season.
2. Create an option for county deer advisory councils to recommend extending the archery and crossbow deer seasons through January in farmland zone counties where a holiday firearm season has also been recommended.
3. Eliminate the central otter zone so that there would be only a north and a south zone which are divided by State Hwy. 64.
4. Simplify the fisher management zone configuration so that there will be only a north and a south zone which are divided by State Hwy. 64. This section also establishes that the fisher trapping season will be open through the New Year's Holiday weekend instead of closing on December 31.
5. Establish that Eurasian collared doves are an unprotected species.
6. Repeal the otter population management goal.
7. Establish that the department can issue fall turkey hunting licenses over-the-counter, without utilizing a drawing process, for fall seasons when all hunters will receive a license.
8. Eliminate the Wolf River refuge in the town of Wolf River in Winnebago County consistent with a recently completed master plan's recommendation to evaluate its effectiveness. This refuge is also commonly known as the Rat River refuge.
9. Eliminate the beaver and otter trapping closed area at Van Loon Wildlife Management Area and some adjacent privately owned lands in La Crosse County.
10. Establish that monk parrots causing depredation can be removed without the need for permission from the department or a hunting or trapping license.

11. Reduce the size of the wildlife refuge at Theresa Marsh Wildlife Management Area in Washington and Dodge counties, consistent with the recommendation of a recently concluded management planning process.

12. Repeal the one time limit on participation in learn-to-hunt events conducted under the authority of Ch. NR 19 where seasons, licensing, and other requirements can be waived.

Summary of Public Comments

All but five of the department's proposals were supported by the popular vote. The results of voting on each proposal, the department's recommendation, and the results of consideration by the Conservation Congress at its annual convention are summarized in Table 2.

Written Comments

In addition to voting on April 10, the department received a handful of written comments and phone calls during the official comment period. Most were simple statements of support or opposition and are summarized in Table 1 below.

Table 1.

Statewide Department Questions		Ayes	Noes
1	Consistent last day of the season for archery deer, turkey, pheasant and fisher	2	4
2	Option to extend archery deer season, in farmland zone units which also have holiday hunts, upon recommendation of County Deer Advisory Councils	3	3
3	List Eurasian collared doves as an unprotected species	3	4
4	List monk parrots as a depredating species under wildlife damage and nuisance control rules	3	4
5	Possession of shotgun slugs while hunting	2	5
6	Eliminate restrictions on the size of shot that may be possessed	2	5
7	Eliminate minimum barrel length restrictions for handguns that are used for hunting	2	5
8	Eliminate restrictions on the use of .410 caliber firearms	2	4
9	Eliminate requirement to use pellet guns of at least .17 caliber for small game	2	5
10	Use of weapons/ammunition reasonably capable of reducing an animal to possession	2	4
11	Consolidating fisher management zones	3	3
12	Eliminate the specific population goal of 13,000 otters	2	7
13	Consolidating otter management zones	2	7
14	Eliminate the fall turkey permit drawing	3	3
15	Repeal one-time limit for participating in learn-to-hunt events	5	1
Department Question Primarily of Local Interest		Ayes	Noes
16	Eliminate the Wolf River waterfowl closed area	1	9
17	Eliminate the Van Loon beaver and otter trapping closed area	2	5
18	Reduce the size of the Theresa Marsh wildlife refuge	1	10

Table 2 – Summary of April 10, 2017 Spring Hearing Voting

2017 Attendance: 5,073

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Statewide Department Questions							
1	Consistent last day of the season for archery deer, turkey, pheasant and fisher	3,152	1,171	Yes	71 / 1 / 0		Advance
2	Option to extend archery deer season, in farmland zone units which also have holiday hunts, upon recommendation of County Deer Advisory Councils	2,287	1,988	Yes	46 / 22 / 4		Advance
3	List Eurasian collared doves as an unprotected species	2,822	1,431	Yes	71 / 1 / 0		Advance
4	List monk parrots as a depredating species under wildlife damage and nuisance control rules	3,229	973	Yes	71 / 1 / 0		Advance
5	Possession of shotgun slugs while hunting	2,170	2,114	Yes	42 / 26 / 4		Advance
6	Eliminate restrictions on the size of shot that may be possessed	2,588	1,572	Yes	63 / 9 / 0		Advance
7	Eliminate minimum barrel length restrictions for handguns that are used for hunting	2,079	2,108	No	42 / 29 / 1		Advance
8	Eliminate restrictions on the use of .410 caliber firearms	2,030	2,153	No	43 / 26 / 3		Advance
9	Eliminate requirement to use pellet guns of at least .17 caliber for small game	1,951	2,223	No	40 / 30 / 2		Do Not Advance

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Statewide Department Questions							
10	Use of weapons/ammunition reasonably capable of reducing an animal to possession	2,553	1,547	Yes	63 / 8 / 1		Advance
11	Consolidating fisher management zones	2,822	1,177	Yes	67 / 4 / 1		Advance
12	Eliminate the specific population goal of 13,000 otters	2,623	1,285	Yes	69 / 3 / 0		Advance
13	Consolidating otter management zones	2,595	1,304	Yes	69 / 3 / 0		Advance
14	Eliminate the fall turkey permit drawing	3,052	1,141	Yes	71 / 1 / 0		Advance
15	Repeal one-time limit for participating in learn-to-hunt events	2,527	1,701	Yes	64 / 8 / 0		Advance
Proposal of primarily local interest							
16	Eliminate the Wolf River waterfowl closed area	1,634	1,717	No	38 / 30 / 4	Winnebago Yes, 51; No, 39	Advance
17	Eliminate the Van Loon beaver and otter trapping closed area	1,653	1,652	Yes	46 / 25 / 1	La Crosse Yes, 38; No, 24	Advance
18	Reduce the size of the Theresa Marsh wildlife refuge	1,397	2,078	No	23 / 46 / 3	Dodge Yes, 43; No, 36 Wash. Yes, 68; No, 38 Fond. Yes, 31; No, 21 Ozaukee Yes, 23; No, 18 Sheb. Yes, 60; No, 31	Advance

Modifications Following Hearings and Response to Legislative Council Rules Clearinghouse Report

The department is not recommending adoption of questions 5 through 10 in the spring hearing questionnaire. These proposals would have:

5. Repealed a prohibition on the possession of shotgun slugs at certain times while hunting,
6. Repealed restrictions on the possession and use of certain sizes of shot for hunting species other than migratory birds,
7. Eliminated a confusing variety of minimum hand gun barrel length requirements.
8. Allowed the use of .410 slugs for deer hunting,
9. Repealed a requirement to use air guns of at least .17 caliber for hunting small game and,
10. Replaced the repealed provisions with a general requirement to use weapons and ammunition that are reasonably capable of reducing an animal to possession.

While questions 5 and 10 were supported by the popular vote and voting results were nearly tied in some cases, the Conservation Congress did recommend rejecting the entire series of proposals during consideration at its annual convention on May 12 in Oshkosh.

The department is still interested in simplifying a number of firearm and ammunition regulations that we believe are outdated and no longer necessary for safety related or wildlife management purposes. We will work on future rulemaking with the Conservation Congress in order to craft a proposal that they are more supportive of.

Comments the department received from the Legislative Council Clearinghouse have been incorporated. The report is included with this green sheet package. Most changes are organizational or remedial in nature.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was modified to reflect the changes described in the section above related to modifications following hearings and response to Legislative Council Rules Clearinghouse Report. The modifications will not result in any state fiscal impact and that analysis was not modified.

Final Regulatory Flexibility Analysis

These rules and the legislation which grants the department rulemaking authority do not have a significant fiscal effect on the private sector or small businesses. These rules are applicable to individual users and groups of individuals using department properties and impose no compliance or reporting requirements for small business, nor are there any design or operational standards contained in the rule. Therefore, under s. 227.19(3m)Stats., a final regulatory flexibility analysis is not required.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.